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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 ALFREDO ALVARADO PADILLA,

10 Petitioner,

11 vs.

12 ROBERT L. AYERS, JR., Warden of
13 San Quentin State Prison,

14 Respondent.
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Case No. 1:01-CV-06305-LJO

Order Dismissing Habeas
Petition with Prejudice

16 Petitioner Alfredo Alvarado Padilla ("Padilla"), a state prisoner
17 facing capital punishment, first appeared in federal court October 4, 2001,
18 requesting a stay of execution and appointment of counsel pursuant to 28
19 U.S.C. § 2254. Padilla filed his federal petition for writ of habeas corpus
20 October 11, 2002. Concurrently, Padilla filed a second state habeas petition
21 in the California Supreme Court. A motion to stay Padilla's federal
22 proceedings and hold his federal petition in abeyance was granted January
23 22, 2003. The California Supreme Court issued an order to show cause on
24 Padilla's state habeas petition June 30, 2004. A reference hearing was held,
25 the referee's report was filed with the California Supreme Court April 24,
26 2007, and a resolution of the show cause order was pending, along with

1 four additional state habeas petitions.

2 Padilla died of natural causes on July 25, 2008. Because Padilla's
3 death renders this case moot, this action is dismissed with prejudice. *See*
4 *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003).

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6 IT IS SO ORDERED.

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8 DATED: November 13, 2008

9 /s/ Lawrence J. O'Neill
10 United States District Judge
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